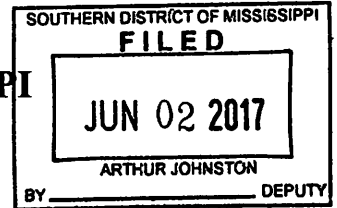


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A/ TROUT
POINT LODGE LTD OF NOVA SCOTIA
& IN THEIR INDIVIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS & ASHOKA

**MOTION FOR AUTHORIZATION OF SUBSTITUTED OR ALTERNATIVE SERVICE
OF SUMMONS AND COMPLAINT ON DEFENDANT TROUT POINT LODGE,
LIMITED OF NOVA SCOTIA**

Plaintiff Douglas Handshoe respectfully moves the Court for Court authorization for Substituted Service of the Writ of Summons and Copy of the Third Amended Complaint on Defendant Trout Point Lodge, Limited of Nova Scotia.

For reasons more fully set out in the accompanying Memorandum in Support of this Motion, Defendant Trout Point Lodge, Limited is a Canadian Limited Company with its registered office in Nova Scotia. This Court via order dated May 11, 2017 established a deadline for the return of the Trout Point Lodge, Ltd summons on June 2, 2017. Trout Point Lodge, Limited's registered office is located on a gated, private road within the larger Trout Point Lodge development, which was closed for the winter season on or about November 1, 2016 and was not scheduled to reopen until May 13, 2017.¹ Plaintiff has been advised by his Nova Scotia Barrister Wayne S. Rideout, Esq, who engaged Garnet Horton, a Nova Scotia Provincial Civil Constable to serve the summons to Trout Point Lodge, Ltd. on Plaintiff's behalf that Trout Point Road

¹ Please see Gillespie Affidavit at ECF 135-2 and Trout Point Lodge website printout at ECF 130-1.

remains gated and posted despite the Defendants' advertisements that the Lodge is now open for business to the public. Mr. Rideout's Affidavit along with Attachments A through D is shown at Exhibit 1 accompanying the related Motion for an Extension of Time filed on the same date with the Court as this Motion.

Further, since the Defendants were certainly aware of this Court's order dated May 11, 2017 which established the June 2, 2017 return date, Defendant Trout Point Lodge, Ltd., via its Registered Agent/Instant Defendant Charles Leary is most certainly deliberately evading service of process in order to defeat the Court's June 2, 2017 deadline for the filing of the return. These actions have also had the effect of increasing the Plaintiff's cost of litigation.

This Motion for Substituted Service is not sought for delay or other improper purpose but so that justice may be accorded the parties in accordance with the laws for service of process in the State of Mississippi and the Province of Nova Scotia.

In view of the foregoing, Plaintiff prays the Court will find this motion to have merit and will authorize Substituted Service of the Summons and Third Amended Complaint on Defendant Trout Point Lodge, Limited of Nova Scotia by posting same to the gate at Trout Point Road.

Respectfully submitted this 2nd day of June, 2017,



Douglas Handshoe, Plaintiff
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CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on June 2, 2017, the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

Respectfully submitted this 2nd day of June, 2017,



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